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09/327,408	06/07/1999	PATRICK M. COX	8897-0046-99	5392

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/327,408

Applicant(s)

COX ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 53,58-76,78-86 and 95-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53,58-76,78-86 and 95-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 06/07/99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 53, 58, 60-67, 72-73, 75-76, 78-82, and 95-96, 98-103, are rejected under 35 U.S.C. 102(e) as being anticipated by Petrunka et al (US 5,987,116).

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3. In regards to claims 53, 63, 75, and 98, Petrunka discloses a method and system of providing a directory assistance service, comprising: maintaining a database (elements 1140 and 1150) including customer identifiers, a customer identifier being associated with a language identifier representing a language preferred by a customer identified by the customer identifier (col. 3 lines 14-28); receiving a call from a calling customer; obtaining a customer identifier associated with the call; determining a language identifier associated with the obtained customer identifier; connecting the call to a directory assistance provider capable of communicating in a language represented by the determined language identifier (col. 4 lines 37-58); eliciting a request for information from the calling customer in the language represented by the determined language identifier (col. 4 lines 59-65); and providing a directory assistance service in response to the request (col. 5 lines 10-44).

4. In regards to claims 58, 73, and 96, Petrunka discloses the method and system, wherein the customer identifier associated with the call comprises a telephone number (col. 3 lines 14-28).

5. In regards to claim 60, Petrunka discloses the method, wherein the customer identifiers in the database comprise telephone numbers (col. 3 lines 14-28).

6. In regards to claim 61, Petrunka discloses the method, wherein the directory assistance service includes searching for a destination telephone number desired by the calling customer (col. 1 lines 34-48).

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7. In regards to claims 62, 78, and 99, Petrunka discloses the method and system, wherein the directory assistance provider comprises an operator (Fig. 1, element 1300, and col. 2 lines 45-53).

8. In regards to claims 64, 66, 67, 79, 81, 82, 101, 102, and 103, Petrunka discloses the method and system, further comprising associating a customer identifier in the database with a priority code (col. 3-4 lines 62-15).

9. In regards to claims 65 and 80, Petrunka discloses the method and system, wherein one or more call queues are provided (col. 4 lines 3-15).

10. In regards to claims 72, 95, and 100, Petrunka discloses a system and method for providing directory assistance services, comprising: a switch (element 1110) for receiving a call from a customer, a customer identifier associated with the customer being derived from signals in the call (col. 4 lines 43-51); a server (element 1140) for determining a language identifier associated with the customer identifier, the language identifier representing a language (col. 4 lines 43-58); and a router (element 1120) for routing the call to a directory assistance provider that provides directory assistance in the language represented by the language identifier (col. 3 lines 46-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 68, 69, 83, 84, 104, and 105, are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrunka et al (US 5,987,116).

12. Petrunka discloses all of claims 68, 69, 83, 84, 104, and 105 limitations, except the method, further comprising providing a greeting personalized to a customer having a customer identifier, and the method further comprising providing a closing personalized to a customer having a customer identifier. Petrunka, however, does teach using an IVR (Interactive Voice Response Unit) to play announcements and music for customers while they wait in a call queue (col. 4 lines 16-23). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ a personalized greeting and closing to a customer having a customer identifier, as a way of welcoming and saying good-bye, and interacting verbally with the customer in their preferred language.

13. Claims 59, 70, 71, 74, 85, 86, 97, 106, and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrunka et al (US 5,987,116), and further in view of Hall et al (US 5,509,060).

14. Petrunka discloses all of claims 59, 74, and 97 limitations, except the method and system, wherein the telephone number comprises an ANI. Hall, however, discloses the method and system, wherein the telephone number comprises an ANI (col. 3 lines 48-57). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the use of an ANI, as a way of automatically identifying the calling party to the called party.

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15. Petrunka discloses all of claims 70, 71, 85, 86, 106, and 107 limitations, except the method and system, further comprising a voice server providing a menu of directory assistance options personalized to the customer based on the customer identifier. Hall, however, discloses the method and system, further comprising a voice server providing a menu of directory assistance options personalized to the customer based on the customer identifier (col. 4-5 lines 41-9).

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerszberg et al (US 6,052,439) teach network server platform telephone directory white-yellow page services.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Thjuan P. Knowlin

October 18, 2002



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